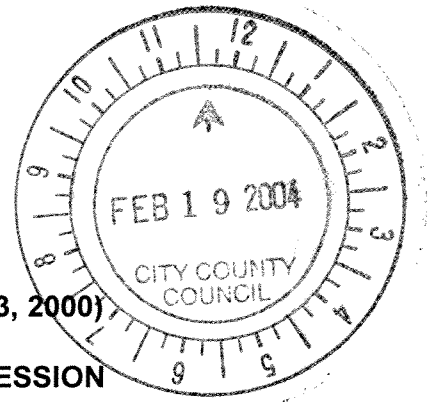


**CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION
STATE OF INDIANA**



EXECUTIVE ORDER NO. 1, 2004
(This Executive Order supersedes Executive Order No. 3, 2000)

**DESIGNATION OF ACTING MAYOR AND LINE OF SUCCESSION
UPON INCAPACITY OF THE MAYOR
OR VACANCY IN THE OFFICE**

WHEREAS, Indiana Code § 36-3-3-3(a) provides that whenever the Mayor is absent from the county, ill, or injured, he may designate one (1) of his deputies as Acting Mayor with all the powers of the office for a maximum of fifteen (15) days in any sixty (60) day period; and

WHEREAS, Indiana Code § 36-3-3-3(c) provides that whenever the Mayor is incapacitated and unable to make a designation of one of his Deputy Mayors as Acting Mayor, then the President of the City-County Council becomes Acting Mayor; and

WHEREAS, the Indiana Code does not provide a line of succession in the event that the Mayor is incapacitated and unable to make a designation of one of his Deputy Mayors, and the President of the City-County Council is also incapacitated; and

WHEREAS, Indiana Code § 3-13-11-12 provides that the Chief Deputy Mayor assumes the duties of the Mayor for a period of time between when a vacancy occurs and when the office is filled; and

WHEREAS, the Indiana Code does not provide a line of succession in the event that the office of Mayor becomes vacant, and the Chief Deputy Mayor is unable to assume the duties of that office; and

WHEREAS, Section 251-408 of the "Revised Code of the Consolidated City and County" provides that the Mayor shall, via executive order, designate a line of successors to establish which government officials may act in his place under circumstances not addressed by the Indiana Code; and

WHEREAS, the designation of an Acting Mayor and a line of succession is beneficial to the orderly administration of executive powers and responsibilities, and promotes the interest of public health, safety and welfare;

NOW, THEREFORE, by virtue of the authority vested in me as the Mayor of the City of Indianapolis and successor-in-interest to the Board of Commissioners of Marion County, Indiana, and in accordance with the aforementioned statutes and ordinance, it is hereby ordered as follows:

DESIGNATION OF ACTING MAYOR

1. In the event that the Mayor is absent from the county, ill, or injured, the Chief Deputy Mayor of the City of Indianapolis is hereby designated as Acting Mayor with all the powers of

the office. In the event that the Chief Deputy Mayor is incapacitated and unable to perform the duties as Acting Mayor, then the Deputy Mayor for Policy is so designated; and, in the event that the Deputy Mayor for Policy is incapacitated and unable to perform the duties as Acting Mayor, then the Deputy Mayor for Neighborhoods is so designated. These designations are made pursuant to Indiana Code § 36-3-3-3(a).

2. An Acting Mayor designated under Paragraph 1 of this Executive Order shall exercise the powers of the office only until such time as the Mayor is restored from his or her absence, illness or injury.

LINE OF SUCCESSION DURING INCAPACITY OR VACANCY IN OFFICE

3. In the event that the Mayor is incapacitated and no designation under Indiana Code § 36-3-3-3(a) is in effect, then the President of the City-County Council becomes Acting Mayor pursuant to Indiana Code § 36-3-3-3(c). In the event that the President of the City-County Council is incapacitated to the extent that he or she is unable to perform the duties as Acting Mayor as provided in Indiana Code § 36-3-3-3(c), then the following public officials shall be authorized to carry out the duties of the office of Mayor, in descending order of succession, until such time as the President of the City-County Council is able to perform the duties as Acting Mayor, or the executive is restored according to law, whichever first occurs:

- a. Chief Deputy Mayor of the City of Indianapolis/Chief of Staff;
- b. Deputy Mayor for Policy of the City of Indianapolis;
- c. Deputy Mayor for Neighborhoods of the City of Indianapolis;
- d. Director of Public Safety of the City of Indianapolis;
- e. Corporation Counsel of the City of Indianapolis;
- f. Controller of the City of Indianapolis;
- g. Chief of Police of the City of Indianapolis;
- h. Sheriff of Marion County; and,
- i. Fire Chief of the City of Indianapolis.

4. In the event the office of Mayor becomes vacant for purposes of Indiana Code § 36-3-3-4 and the Chief Deputy Mayor is unable to assume the duties of that office as provided in Indiana Code 3-13-8 and Indiana Code 3-13-11, then the following public officials shall be authorized to carry out the duties of the office of Mayor, in descending order of succession, until such time as the office is filled under Indiana Code 3-13-11:

- a. Deputy Mayor for Policy of the City of Indianapolis;
- b. Deputy Mayor for Neighborhoods of the City of Indianapolis;
- c. Director of Public Safety of the City of Indianapolis;
- d. Corporation Counsel of the City of Indianapolis;
- e. Controller of the City of Indianapolis;
- f. Chief of Police of the City of Indianapolis;
- g. Sheriff of Marion County; and,
- h. Fire Chief of the City of Indianapolis.

5. All previous executive orders of the Mayor of the City of Indianapolis establishing a line of executive succession, including Executive Order No. 3, 2000, are hereby revoked.

6. This Executive Order shall become effective immediately.

DATED this 19th day of February, 2004.

CONSOLIDATED CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA

By: Bart Peterson
Bart Peterson, Mayor

APPROVED AS TO FORM AND LEGALITY:

By: A. Scott Chinn
A. Scott Chinn, Corporation Counsel